

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROBERT CARBAJAL §
VS. § CIVIL ACTION NO. 1:09CV919
JODY R. UPTON, ET AL §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Robert Carbajal, an inmate currently confined at the U.S. Penitentiary in Lewisburg, Pennsylvania, proceeding *pro se*, filed this *Bivens*-type action against Warden Jody R. Upton, Associate Warden A. Washington Adduci, Captain Goodman and Senior Officer H. Perry.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends this action be dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in

this case in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **8** day of **March, 2011**.



Ron Clark, United States District Judge